

EXHIBIT 1

1
2 UNITED STATES DISTRICT COURT
3 FOR THE DISTRICT OF MASSACHUSETTS

4 C.A. 03-30311-KPN

5 DORIS P. MUNDO

6 VS.

7 DELTA AIRLINES, INC.

8
9 DEPOSITION OF: DORIS P. MUNDO, taken before
10 Helga Ragle, Shorthand Reporter, Notary
11 Public pursuant to the Federal Rules of
12 Civil Procedure, at the offices of Jeanne A.
13 Liddy, Esq., 94 North Elm Street, Westfield,
14 Massachusetts, on September 30, 2004,
15 commencing at 12:20 p.m.

16
17
18
19
20
21
22
23
APPEARANCES:

(See Page 2.)

Helga Ragle
Shorthand Reporter

APPEARANCES:

LAW OFFICES OF JEANNE A. LIDDY, ESQUIRE,
94 North Elm Street, Westfield, MA 01085,
representing the Plaintiff.

BY: JEANNE A. LIDDY, ESQUIRE

MEEHAN, BOYLE, BLACK & FITZGERALD, P.C.,
Two Center Plaza, Boston, MA 02108-1922,
representing the Defendant.

BY: PETER J. BLACK, ESQUIRE

959 MAIN STREET
4TH FLOOR
SPRINGFIELD, MA 01103

PHILBIN & ASSOCIATES, INC.

(413) 733-4078
Pittsfield: (413) 499-2231
FAX: (413) 734-4538

Serving the legal community of Massachusetts since 1947

1 A. No complaint.

2 Q. Tell me what happened when you got to the
3 airport that morning, and it is the morning of the
4 seventh, March seventh, is that right?

5 A. I don't know if it was March seventh.
6 It was the day, the end of the conference that we came
7 back.

8 Q. Do you believe that it was March seventh?
9 That is my understanding, but I was not there.

10 A. I don't remember.

11 Q. In any case, whatever day it was, it was in
12 early March of 2001, can we agree on that?

13 A. Yes.

14 Q. When you got to the airport -- and it was
15 in the morning, correct?

16 A. Uh-huh.

17 Q. Is that correct?

18 A. Yes.

19 Q. Why don't you tell me what happened. What
20 did you do? What occurred? Did you go to check in?

21 A. We went to check in and --

22 Q. Let me -- maybe I can help you.

23 When you first got to the airport, you had

1 to go into the terminal?

2 A. Yes.

3 Q. Was it a Delta terminal?

4 Do you remember?

5 A. I don't know that it was a Delta terminal.

6 Q. It could have been a terminal that served
7 more airlines than just Delta?

8 A. Yes, oh yes.

9 Q. Did you go up to the ticket counter and
10 then, you know, when you go to the airport, they are
11 similar all over the world, you walk in and they have
12 ticket counters and people behind the counters?

13 A. Uh-huh.

14 Q. Is that what you and your husband did,
15 walked up to the ticket counters?

16 A. Yes.

17 Q. Did you speak to someone that was wearing a
18 Delta uniform on the other side of the counter?

19 A. Yes.

20 Q. Tell me what happened at that point?

21 A. As far as I can recollect they told me that
22 my flight was not for that flight.

23 I don't remember if they told me it was a

1 day later or sometime later that day.

2 Q. Would it refresh your recollection if I
3 suggested that they told you you had reservation on
4 the 2:55 flight out of New Orleans coming back to
5 Springfield?

6 A. I can't remember.

7 All I know, they said that I was not booked
8 on that particular one.

9 Q. And did they tell you that that flight was
10 full, that is the morning flight was full and they had
11 to put you on stand-by?

12 A. I think that when I got there, they had
13 already been announcing that the flight was full
14 because some of the people that were supposed to go
15 were just moving around the airport, just unhappy.

16 Q. Well, I take it you were at the ticket
17 counter when you first went in.

18 That isn't where you actually left from; you
19 would have to go to the gate to actually get on the
20 plane, somewhere inside the terminal?

21 A. I had done all of that.

22 Q. When you first get to the airport, you go
23 up to the ticket counters without going through

1 security; you can just go to the ticket counter and
2 you carry your bags in. You can buy a ticket, you can
3 make travel changes.

4 Do you know what I am talking about?

5 A. I think that we went in and went through
6 security and all that stuff and somewhere when we got
7 to because --

8 Q. The gate area?

9 A. The gate area. Because we had the tickets
10 in hand.

11 Q. Sure.

12 Did you have any bags to check?

13 A. Yes, we had bags to check.

14 Q. You wouldn't be able to check the bags
15 there; you would have to check them earlier?

16 A. Yes, I think that we went there. We were
17 told --

18 Q. When you say there --

19 A. To the ticket counter, to the Delta ticket
20 counter.

21 Q. To check your bags?

22 A. To check our bags, that either we were not
23 booked for that flight, but we were booked for a later

1 flight, and I basically explained that we had to
2 travel as a group.

3 I had transportation issues when I got, we
4 got back because there was only a certain timeframe I
5 could be absent. We needed to be back for the ride
6 that we had arranged, and Mr. Castellano was being
7 picked up or something else.

8 Q. He had the same problem?

9 A. He was supposed to be on that flight.

10 Q. He was -- was his reservation for the
11 flight in the morning or was he also booked on the
12 later flight, whether or not he thought he should have
13 been on the earlier flight?

14 A. I think that he was booked for the earlier
15 flight because I think that later that flight was also
16 delayed or something. I don't remember what happened.
17 But so --

18 Q. And he is the one who had arranged
19 transportation for himself and others from, was it
20 Bradley Airport in Connecticut that you were leaving
21 from?

22 A. He was the one who connected us with the
23 travel agent. He didn't himself make the

1 arrangements.

2 Q. I understand that.

3 But you talked about arrangements to get
4 from the airport back to Springfield or the
5 Springfield area?

6 A. Yes.

7 Q. Is he the one who also arranged that
8 transportation or had you and your husband separately
9 arranged to be picked up?

10 A. We had made different transportation
11 arrangements to get there and return.

12 Q. So you went to the ticket counter to check
13 your bags and you learned that your reservations were
14 not for the flight you thought you were on?

15 A. Yes.

16 Q. Was it at that point that they said they
17 would try to put you on that flight, that morning
18 flight, but you would have to go on stand-by to see if
19 you could get on?

20 A. Yes.

21 I explained to them that I had this
22 transportation problem and I really needed to be on
23 that flight, and they were very nice and told me they

1 were going to put my name in --

2 Q. On the stand-by?

3 A. On the stand-by. They couldn't make any
4 guarantees.

5 And so as best I can remember they were
6 asking different people to give up seats. Generally
7 as I said different people had already been asked
8 before I actually went and sat down about offering
9 their seats, and so there were different people who
10 had already received seats, but they continued to
11 announce it.

12 Q. Well, that would be going on at the gate,
13 correct?

14 A. That was when I went to that Delta person.

15 Q. Let me just try to follow this.

16 We talked about going to the ticket counter
17 and you learning that you were actually on a later
18 flight?

19 A. Yes.

20 Q. And they said they would put you on the
21 stand-by list?

22 A. Uh-huh.

23 Q. You checked your bags?

1 A. I think so.

2 Q. To your knowledge.

3 A. I think we checked them in because we knew
4 we were going to wait.

5 Q. So if the bags got there first, no big
6 deal?

7 A. No big deal.

8 Q. So you and your husband went at some point
9 to a gate area where the eleven o'clock flight was
10 leaving from?

11 A. That person was right in the vicinity of
12 where we were sitting.

13 Q. So you went -- after you left the ticket
14 counter, you went through security and you went to the
15 gate area, correct?

16 A. No, no. I think we had done security
17 first. Somewhere we had done all the check-in to get
18 into this particular area.

19 Q. But you've got to --

20 A. And I got to this, it is like a ticket
21 booth there where the person actually says the flight
22 is now boarding.

23 Q. Right.

1 And can we agree that is generally known as
2 the gate area. If I use that term, will you
3 understand that to mean the area where you are in the
4 terminal where you actually leave on the plane to fly
5 home?

6 A. Yes.

7 Q. So at some point you and your husband got
8 to the gate area?

9 A. Yes.

10 Q. Before getting to that area, did you
11 understand that your names were on the stand-by
12 list?

13 A. Yes.

14 Q. That happened really earlier in the
15 terminal?

16 A. Yes.

17 Q. When you got to the gate area, had they
18 already started boarding?

19 A. I don't remember.

20 All I remember they were still announcing if
21 people voluntarily would give them passes.

22 Q. So they were requesting people to give up
23 their booked seats because other people were trying to

1 get onto the flight?

2 A. Uh-huh.

3 Q. Yes?

4 I am sorry, I don't mean to be annoying, but
5 as we said it is ambiguous.

6 A. Yes.

7 Q. How many people were on the stand-by list,
8 do you remember?

9 A. I don't remember.

10 Q. What happened next?

11 A. We sat down, and there were other people
12 milling around. Mr. Castellano was there.

13 Q. Was he on the stand-by list as well, do you
14 know?

15 A. I don't think he was on the stand-by list.
16 That is what I had tried to explain, we had all made
17 our reservations, we all thought we were traveling on
18 the same day. But different people were opting for
19 the vouchers.

20 I think maybe Charlotte Williams opted for a
21 voucher.

22 Q. So you think she was actually scheduled on
23 that flight?

1 A. I know she got a voucher somewhere in that
2 trip.

3 Q. You got a payment, you and your husband?

4 A. Yes, we ultimately got it.

5 Q. So the airline was offering to provide
6 vouchers for people who would give up their seats,
7 correct?

8 A. Yes.

9 Q. And did they up the anti so-to-speak, we
10 give you a voucher for a hundred dollars, later on
11 they might say we give you a voucher for more money,
12 two hundred dollars or something like that?

13 A. From what I recollect they made some kind
14 of announcement. Some people who had been offered a
15 voucher of a hundred, two hundred, and somebody had
16 heard that they had upped the anti and went to talk to
17 the person I spoke with at the gate area, and then
18 that person came back and anyone after that would get
19 the same amount that someone earlier would get, but
20 that was only for people who had a ticket, not for
21 stand-by people.

22 Q. The ones that had reservations?

23 A. Yes.

1 that I just didn't feel, I was going to be around
2 people. So I just avoided them.

3 This week for example he is at a conference
4 in Washington, Washington, D.C., one I would normally
5 have gone to.

6 Q. But you stayed so I could take your
7 deposition?

8 A. No, I stayed because I didn't want to see
9 those people.

10 I -- it is like somebody told somebody
11 else, somebody else told somebody else. It is not
12 something that I want to subject myself to.

13 So in effect I told my director that I was
14 going to move from the area and that I wanted to give
15 him a heads up because I knew that many times when
16 somebody leaves, whatever they are, that it is an
17 opportunity to reorganize and maybe develop a new
18 vision and I was leaving, so --

19 Q. And you told me about that.

20 Anything else that you have not told me
21 about that you can think of?

22 A. Even with my family, because all my family
23 is here; I have a granddaughter. I have to make a

1 decision to leave all these people behind because I
2 just can't take it.

3 I can't be around here.

4 Q. Do you fly often?

5 A. Yes.

6 Q. Do you have -- have you continued to fly
7 since the events back in 2001?

8 A. I have.

9 I hesitated for a while, drove to places
10 that I could easily have flown to.

11 Q. Do you have frequent flyer accounts with
12 the airlines?

13 A. I wouldn't know that. I have many miles on
14 any one of them.

15 Q. But you do have frequent flyer accounts
16 with the various airlines?

17 A. Uh-huh.

18 Q. You have a frequent flyer account with
19 Delta?

20 A. Yes.

21 Q. Do you have frequent flyer with American?

22 A. Uh-huh.

23 Q. Yes?

1 A. Yes.

2 Q. Do you have frequent flyer with U.S.
3 Airways?

4 A. No. My husband just opened one up for
5 himself.

6 Q. I am sorry?

7 A. My husband just opened one up because he is
8 flying.

9 Hold on, maybe I have, I have one and I am
10 not sure if it is United or U.S. Air.

11 Q. And you get periodic statements?

12 A. Yes.

13 Q. Do you keep some of those statements?

14 A. They are all on the web; I can access them.

15 Q. You can get statements for the various
16 airlines?

17 A. Yes, uh-huh.

18 MR. BLACK: I think that is all I have.
19 No, there is, I want to ask one other thing.

20 Your travel, you drove to Connecticut from
21 Massachusetts to fly on Delta from Bradley
22 International Airport.

23 A. We were driven to the airport.

1 Q. And coming back you were flying into
2 Connecticut?

3 A. Yes.

4 Q. And then you were driving to Massachusetts?

5 A. Yes.

6 Q. And Delta didn't arrange for your
7 transportation from Massachusetts to Bradley or
8 Bradley to Massachusetts, you did that?

9 A. I did that, yes.

10 No, I didn't think that was their
11 responsibility.

12 Q. I understand. I want to make sure I
13 understood that where you were leaving from and where
14 you flew to from New Orleans. You could have flown
15 into Boston?

16 A. No. I always fly out of Bradley.

17 MR. BLACK: All right, that is all I
18 have at this point.

19 MS. LIDDY: About three questions.

20

21 * * * * *

22

23

CROSS EXAMINATION BY MS. LIDDY

Q. Did you tell anyone about your disability before you got on Delta?

A. Yes.

Q. Who did you tell?

A. I told the person when I got there that, that I had, that person that was there.

Q. What person?

A. The person in the airport. When --

Q. At Delta?

A. At Delta.

When I went to pay for my ticket, I told that person in the agency, whatever that agency is there, that I have a seizure disorder and that it sometimes comes on.

And I -- when I was at that Delta, the gate, the departure gate, I spoke to that first woman and I told her also. That you know, that I was starting to feel anxious and I have a seizure disorder, but when I went to make the arrangement for that, to see if they could ticket me elsewhere, I kept

1 insisting to that person I was really feeling sick, I
2 have a seizure disorder, and I just needed to be in a
3 place, if I am somewhere that I don't move around and
4 fall off my chair, that I just have to have my own
5 privacy, and I am very conscious of my dignity and how
6 I present myself professionally, and so, you know, I
7 told that man at the booth. I told him I have a
8 seizure disorder, I am going to --

9 Q. And the man at the booth was a Delta
10 employee?

11 A. He was a Delta employee, as far as I can
12 recall. I don't know, he was probably fifty or so.
13 But I really didn't get to see him face to face
14 because he was taking baggage and talking to people
15 and I was telling him, so I can't describe him.

16 The best I can remember he was older,
17 younger, but not old.

18 Q. Did he give you a business card?

19 A. I think my husband asked for a business
20 card.

21
22 (Defendant's Exhibit No. 2,
23 offered and marked.)

1 Q. And the flight back from New Orleans to
2 Hartford, can you, what was your condition like? How
3 would you travel?

4 A. The plane was crowded. I just sat next to
5 my husband and just buried my head in his stomach area
6 and just feeling like an ostrich.

7 Q. What did you have on?

8 A. I don't remember what I had on. All I know
9 is I generally travel either in sneakers or jeans and
10 sneakers. Unless I am getting, if I travel directly
11 to a conference, if I go to the presentation, I travel
12 with my business attire, but it is all a blur.

13 Q. If you had had a loss of bodily functions
14 were you able to change your clothes?

15 MR. BLACK: Objection.

16 THE WITNESS: If I had my bags with me.

17 Q. This time?

18 A. This time I didn't, so I couldn't change my
19 clothes.

20 MS. LIDDY: That is all I have. Thank
21 you.

22 MR. BLACK: Obviously I can't, we can't
23 leave with that.

REDIRECT EXAMINATION BY MR. BLACK

Q. When you paid for your ticket, you are claiming you told the travel agent that you had a seizure disorder?

A. Yes.

Q. That you had a history of seizure disorder?

A. Yes.

Q. The reservations had already been made at that time?

MS. LIDDY: Objection.

THE WITNESS: I don't know.

Q. You knew what flight you were getting, you knew what the fare was?

A. I didn't have details on the flight or anything. I knew that we were going to get some kind of group discount through that agency.

Q. Okay. And now is it your testimony, because I had asked you what you said to the ticket people when you showed up at the airport, is it your testimony now that you told them at that point that day that you had a seizure disorder?

1 A. I told the first lady I felt like I was
2 getting a headache.

3 Q. This is at the gate?

4 A. At the gate.

5 Q. When you were standing by to get on the
6 flight you didn't have reservations for, you told her
7 you were getting a headache and you didn't feel well;
8 that is what you told me?

9 A. Yes.

10 Q. Now you are telling me you said I have a
11 seizure disorder?

12 A. I told her that I have a seizure disorder
13 also.

14 Q. You are not suggesting that she should have
15 taken someone with reservations off that plane and put
16 you on that plane?

17 A. Absolutely not.

18 Q. I want to make sure.

19 And then you told me about a ticket person
20 that you were talking to out, not by the gate, but way
21 back by the people where people were checking bags
22 that you were feeling sick and you wanted a place
23 where you could lay down.

1 And did you also say I have a seizure
2 disorder?

3 A. I said I have a seizure disorder, I feel
4 like I am getting a seizure, can you get me a place
5 that I can lay down.

6 Q. This had nothing to do with boarding the
7 plane and not boarding the plane, this was back at the
8 ticket counter and you were trying to see if you could
9 find another flight that could take you home?

10 A. Yes.

11 MR. BLACK: That is all I have. Thank
12 you so much.

13

14 (The deposition was concluded.)

15 *****

16

17

18

19

20

21

22

23